

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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CARLOS ABREU,

Plaintiff,

v.

9:18-CV-0989  
(MAD/ATB)

MS. WELLS, et al.,

Defendants.

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APPEARANCES:

CARLOS ABREU  
046 046 276  
Plaintiff, pro se  
Buffalo Federal Detention Facility  
4250 Federal Drive  
Batavia, NY 14020

MAE A. D'AGOSTINO  
United States District Judge

**DECISION and ORDER**

**I. INTRODUCTION**

In August 2018, plaintiff Carlos Abreu ("Plaintiff") commenced this civil rights action alleging that Defendants violated his constitutional rights arising out of his confinement in the Residential Mental Health Unit at Marcy Correctional Facility ("Marcy C.F."). See Dkt. No. 1 ("Compl."). The procedural history of this matter was summarized, at length, in a Decision and Order filed on May 14, 2019 (the "May 2019 Order") and on July 19, 2019 (the "July Order") and will not be restated herein. See Dkt. Nos. 22, 25.

In the July Order, the Court concluded that Plaintiff had not demonstrated "good

cause" for his inability to serve Defendants. See Dkt. No. 25. Consequently, Plaintiff was directed to serve Defendants within thirty (30) of the filing date of the July 2019 Order. See *id.* Plaintiff was advised that his failure to effectuate service may result in dismissal of his action pursuant to Fed. R. Civ. P. 4(m); 41(b) and Local Rule 41.2. See *id.* The Court also noted that Plaintiff had not provided a Notice of Change of Address. See *id.*

On July 31, 2019, the July 2019 Order was returned and marked "Undeliverable" with the notation "Return to Sender, Attempted - Not Known, Unable to Forward" on the envelope. Dkt. No. 26.

As of the date of this Order, Plaintiff has not complied with the July 2019 Order, has not provided the Court with a Notice of Change of Address, and has not communicated with the Court in any manner regarding this action.

**WHEREFORE**, it is hereby

**ORDERED** that this action is **DISMISSED** without prejudice and the Clerk is directed to enter judgment accordingly; and it is further

**ORDERED** that the Clerk serve a copy of this Decision and Order on Plaintiff at his address of record.

**IT IS SO ORDERED.**

Dated: August 28, 2019  
Albany, New York



Mae A. D'Agostino  
Mae A. D'Agostino  
U.S. District Judge